United States District Court

For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH NICHOLS,

            Plaintiff,

  vs.

E. MEDINA, et al.,

            Defendants.

_____/

No. C 13-2155 WHA (PR)

**ORDER OF DISMISSAL;
GRANTING EXTENSION OF TIME**

(Docket No. 8)

Plaintiff, a prisoner at Salinas Valley State Prison and a frequent litigant in federal court, filed this pro se civil rights complaint under 42 U.S.C. 1983 challenging the conditions of his confinement. He also applied for leave to proceed in forma pauperis.

This is a pro se civil rights complaint under 42 U.S.C. 1983 filed by a California state prisoner, who also applied for leave to proceed in forma pauperis. Plaintiff was ordered to show cause why his application to proceed in forma pauperis should not be denied and this action should not be dismissed pursuant to 28 U.S.C. 1915(g) (in forma pauperis status will not be granted when plaintiff has had three or more prior in forma pauperis complaints dismissed for, among other things, failure to state a cognizable claim for relief). Plaintiff was informed that in the alternative, he could avoid dismissal by paying the full $350.00 filing fee deadline.

Plaintiff has filed a response to the order to show cause. His response does not explain why any of the dismissals of his prior civil cases do not qualify as dismissals under Section 1915(g). Nor does he show that he is in imminent danger. Consequently, the application to proceed in form pauperis is **DENIED** and, because he has not paid the filing fee by the deadline, the case is **DISMISSED** without prejudice to his filing his complaint in a new action in which he

1   pays the filing fee.

2   The motion for an extension of time (dkt. 8) in which to respond to the order to show

3   cause is **GRANTED**.

4   The clerk shall enter judgment and close the file.

5   **IT IS SO ORDERED.**

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     Dated: August ___6___, 2013.

7   WILLIAM ALSUP
                                                     UNITED STATES DISTRICT JUDGE
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